

ARGUMENTS ROENTZ CASE

One Count Against Alleged Spy Is Dismissed—Others Come Up This Morning

Yesterday morning saw a resumption of the many times delayed preliminary hearing of the case of George Roentz, charged with espionage, and as a result the first count in the charge, alleging that defendant offered Pearl Harbor for the purpose of obtaining certain information relative to the national defense, was dismissed. The motion to dismiss was made by Attorney E. C. Peters and granted by United States Commissioner George R. Curry.

Motions for the dismissal of the remaining three counts of the charge were unavailing, and these will be dealt with at the continued hearing of the case at nine o'clock this morning.

The grounds for the motion to dismiss the first two counts were that there was no evidence to sustain. In the matter of the third count, Peters stated that there was no evidence that Roentz received and obtained photographs of Pearl Harbor, and added that he was entitled to the photos, anyway.

Peters made the dismissal the fourth count on the ground that defendant had made an attempt to communicate information to a foreign nation. He also expressed his opinion that there was nothing pertaining to the national defense in the four photos of Pearl Harbor, offered in evidence.

The attorney for the defense, speaking in regard to the third count, said that the statute might have to be tested, stating that if it aimed only at possession, the punishment designated is cruel and inhuman. He went on to say that the photographs were found in two locked trunks at that apartment, that their possession within the statute, it didn't seem that it constituted a violation of any regulation of the navy department, or any law and that therefore defendant could not be held.

Speaking of the copies of confidential documents found in the possession of Roentz, Peters said that defendant was an employee of the naval station, and that there is no regulation against making extra copies of such documents.

United States District Attorney Huber contended that the possession of the four photographs came within the scope of the statute and that Roentz had broken the law by having them in his possession. He called the attention of Peters to a document in German purporting to be a letter to nineteen photographs, presumably of scenes at Pearl Harbor. With regard to Peters' argument that defendant, as an employee at Pearl Harbor, had a right to have extra copies of documents, Huber remarked that it wasn't reasonable to suppose that defendant was entitled to have in his possession a copy of a code message from the secretary of the navy, and a copy of a report to Washington of the presence of the Japanese cruiser Hizen off the coast of Oahu.

Reason To Believe Worst.
In the course of his remarks, in which he referred to the copy of the code message being relative to the national defense, in that it contained instructions as to the action of the naval authorities here as to what should be done in case of trouble with a foreign nation, Commissioner Curry stated that he had reason to believe that defendant had violated the statute and had been attempting to communicate with a foreign government with ulterior motives.

S. M. Starratt, official photographer at Pearl Harbor, testified that at least a thousand of the nineteen photographs, introduced in evidence, were titles of official photographs, and produced copies of photographs to which he believed the titles to apply.

Counts In Charge.
The four counts of the charge against Roentz are as follows:

That defendant did feloniously go upon and enter Pearl Harbor for the purpose of obtaining information respecting the national defense, to which he was not lawfully entitled.

That while on Pearl Harbor reservation without proper authority he did obtain, take and make certain documents, sketches and photographs, negatives and plans, and did obtain knowledge of things connected with the national defense, to which he was not entitled.

That he received and obtained the above-mentioned things from a person or persons whose name is unknown to the informant.

That he communicated or attempted to communicate with a foreign government or its agents or employees, information or knowledge covered by the foregoing charges.

Evidence Introduced.
The evidence in the case includes the following exhibits:

Long-leaf pamphlet of changes made from time to time in the regulations of the United States navy and instructions to officers.

Four photographs of Pearl Harbor naval station and works, printed as postcards.

A letter purporting to describe nineteen photographs of Pearl Harbor station and vicinity.

Memorandum relating to the Pearl Harbor naval station, consisting of several typewritten sheets.

Translation of a code message from Secretary of Navy Daniels prescribing certain action to be taken in certain eventualities, and the course to be followed on receipt of information of such eventualities transpiring.

Copy of a report to the navy department relating to the movements of the Japanese cruiser Hizen, which was off this port at the time the German gunboat Oester was interned.

Document in German purporting to be titles of nineteen photographs of scenes at Pearl Harbor.

The supreme court yesterday sustained former Circuit Judge Whitney's decision in the land ejectment suit of Mrs. Helen K. Kinney against the Oahu Sugar Company. Judge Whitney found for the defendant corporation.

PRESIDENT WARNS AGAINST TREASON

Punishable By Death Or Imprisonment For Five Years With \$10,000 Fine

The war department yesterday issued a general order containing the President's proclamation in which he fully defined what constitutes treason and misprision of treason, as well as the penalties attached for failure to bear allegiance to the United States. It would be well for both citizens and aliens to thoroughly digest the contents of the proclamation, for what would appear as a trivial offense to some in times of war is punishable by the supreme penalty, death, when brought before a military court.

President's Proclamation.

"Whereas all persons in the United States, citizens as well as aliens, should be informed of the penalties which they will incur for any failure to bear true allegiance to the United States:

"Now, therefore, I, Woodrow Wilson, President of the United States, hereby issue this proclamation to call special attention to the following provisions of the Constitution and the laws of the United States:

"Section 3 of Article III of the Constitution provides, in part:

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

"The Criminal Code of the United States provides:

"Section 1. Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason."

One Penalty To Death.

"Section 2. Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than ten thousand dollars, to be levied on and collected out of any or all his property, real and personal, of which he was owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States."

"Section 3. Whoever, owing allegiance to the United States, and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and fined not more than one thousand dollars."

Complicity Explained.

"Section 4. If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder or delay the execution of any law of the United States, or by force to take, seize, or carry away any property of the United States contrary to the authority thereof, they shall each be fined not more than five thousand dollars, or imprisoned not more than six years, or both."

The Courts of the United States have stated the following acts to be treasonable:

"The use or attempted use of any force or violence against the government of the United States, or its military or naval forces;

"The acquisition, use, or disposal of any property with the knowledge that it is to be, or with intent that it shall be, or assistance to the enemy in their hostilities against the United States;

"The performance of any act or the publication of statements or information which will give aid, supply, in any way, aid and comfort to the enemies of the United States;

"The direction, aiding, counseling, or countenancing of any of the foregoing acts."

"Such acts are held to be treasonable whether committed within the United States or elsewhere; whether committed by a citizen of the United States or by a foreigner domiciled, or residing in the United States, inasmuch as residents aliens, as well as citizens, owe allegiance to the United States and its laws."

Misprision of Treason.

"Any such citizen who has knowledge of the commission of such acts and conceals and does not make known the facts to the officials named in Section 3 of the Penal Code is guilty of misprision of treason."

"And I hereby proclaim and warn all citizens of the United States, and all aliens, owing allegiance to the Government of the United States, to abstain from committing any and all acts which would constitute a violation of any of the laws herein set forth; and I further proclaim and warn all persons who may commit such acts that they will be vigorously prosecuted thereby."

"In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed."

"Done at the city of Washington this 10th day of April in the year of our Lord one thousand nine hundred and seventeen, and of the independence of the United States of America the one hundred and forty-first."

WOODROW WILSON.

By the President:

ROBERT LANNING.

Secretary of State.

TARO SITUATION IS NOT PROMISING

Growers Find Profits Nearing the Vanishing Point, Although Poi Price Keeps Up

The reason why poi costs some people so much is that it costs other people nothing. That is, there are so many dead heads buying poi that the price fixed for the paying customer has to be high enough to cover a multitude of lost heads.

A. V. Gere, engineer for the Bishop Estate, says in a statement covering the taro situation, drawn up for the food commission and submitted to A. L. Castle, of the sub-committee on the Territorial Market:

"My dove's report, which is a short one and which will be supplemented with a detailed statement, says:

Use Falling Off.
"Dear Sir—Pursuant to our recent conversation, I place at your disposal the following statement regarding the taro industry with which I am familiar."

"The use of taro as a food staple has fallen off to such an extent in the past three years that unless extraordinary conditions the growers have found it difficult to meet expenses."

"The area formerly devoted to taro in and around Honolulu has been greatly reduced, the land being partly planted to vegetables, bananas or flowers, and a considerable area turned into residence property."

No Profit To Growers.

"Sufficient area remains in cultivation on Oahu to supply the ordinary local demand at prices which yield little if any profit to the growers. The price for the past year and half, up to two months, ranging from forty cents to ninety cents per bag—depending on the quantity of the taro and the ability of the buyers to take advantage of the necessity of the producer to sell."

"I am informed that one hundred pounds of best crop taro produces only forty pounds of poi, but that second and succeeding crops yield seventy pounds of poi out of one hundred pounds of taro. Why this should be so is beyond my comprehension."

Big Margin In Selling.
"The selling price of poi has not formerly held at two and a half cents per pound for the buyers in quantity and three cents to the small buyer. Very recently, this price has been raised one-half cent per pound in each case."

"The only explanation I can give of the great difference between the price to the producer and the consumer is the necessity of the factorials to make good the large losses from bad accounts. I am informed that to do business with the consumers of poi, an extensive credit system is necessary and that the losses from bad accounts are considerable."

"The local demand for taro and poi has decreased on all the Islands in much the same ratio as on Oahu. The use of flour in the poi being found cheaper and more expedient as a labor saving device."

"Within the past year, probably 30,000 bags of taro grown at Keolu, South Kona, Hawaii, and 15,000 bags grown at Waipio, Hawaii, have had to be left in the fields to rot as the money for which it could sell was not sufficient to pay the cost of marketing."

"Taro growing in the Kona is necessarily on the uplands above the government road. The cost of pulling, packing and delivery to the wharf is from fifteen cents to twenty cents per bag; freight twenty cents per bag; delivery to market two cents per bag; selling commission five per cent or two and a half cents per bag—or a total of approximately forty-five cents per bag for marketing cost."

"The marketing cost from Waipio is sixty cents per bag."

"Manifestly under the conditions which existed, nothing could be done except to dispose of what was possible locally and let the balance rot."

Dry Land Taro.

"An effort has been made to put the dry land taro of Kona on the Honolulu market. Mr. J. K. Young of the Kailua Poi Factory states that twice they have endeavored to do so, but that it does not please our customers who complain of an irritated throat (an itchy sensation) from eating it, due possibly to the fact that it may have been a first crop taro which is never as good as second or succeeding crops."

"I had always thought this taro recognized as the best grown and was much surprised at the above statement."

"The present price of taro is from ninety cents to \$1.50 per bag of one hundred pounds graded arbitrarily by the buyer on his judgment."

KATHERINE L. PARIS.

Miss Katherine L. Paris, only daughter of Mrs. Doris E. Paris of Honolulu, died in the Honolulu Hospital, Chicago, yesterday, according to cable news received in the city by members of the family. The young woman's mother was at the death bedside of her daughter, having been summoned to Chicago two weeks ago.

The deceased was a native of Honolulu, where she was born on July 19, 1896, and she would shortly have been twenty-one years old. She was educated in this city at Punahou, being a member of the Class of '15, leaving Punahou in 1913 to go East, where, during the past four years, she had been taking courses in music and elocution. These studies she was to finish this year.

Miss Paris was a popular young woman and had endeavored herself to a wide circle of friends by her cheery disposition and gentle manners. She was a niece of Edwin H. Paris and Mrs. E. L. Kerr of this city.

For twelve weeks past Miss Paris has been suffering from inflammatory rheumatism, but heart trouble is given as the cause of her death. Mrs. Paris will probably bring her daughter's body to her native city for interment.

ROPE FOR ALLEGED SHAFER TRAITOR

Musical Stere In Guardhouse To Save Him From Vengeance of Indignant Mates

That Uncle Sam's brave boys at Fort Shafter won't stand for any alien monkey business, was abundantly shown one day last week. Not only this, but as an aftermath of the proposed hanging of a soldier who had expressed loyalty to the Colors, said soldier today languishes in the guardhouse with serious charges preferred against him.

The offender is Musical Stere, a member of the band of the Second Infantry, quartered at Fort Shafter. For some time past he is reported to have made a number of strong pro-German statements, and the other day mentioned round his company at the fort, that if he ever went to France he would be found fighting on the side of Germany.

Looked For Telegraph Pole.

A bunch of men of the mounted regiment, hearing what Stere had said, are said to have rushed around and got a rope, and to have set out in search of the musician, with the intention of strapping him up on the nearest tree.

Some of the men of Stere's company, hearing of the demonstration against Stere, phoned Adjutant E. S. Harbison, advising him of the state of affairs, and he is said to have arrested the bandman and to have placed him in the guardhouse.

Found Secret Code.
Following the arrest of Stere, the adjutant is said to have searched the soldier's locker and to have found therein letters written in German and addressed to men of the German naval vessels Goerz and Luckner, interned at Schofield Barracks. A secret code, also in German, is also said to have been discovered in Stere's locker.

Stere, who was born in Berlin, has only been in the United States two years, and is said to be a dancer by profession.

ANOTHER SPASM IN RATE HEARING

The inter-island rate hearing before the public utility commission, which began away back in prehistoric times when the Ark was the only seagoing vessel and investigations by commissioners were less frequent than now, is drawing to a close, according to a statement by Chairman Charles E. Forbes at a meeting of the commission held last night.

Chairman Forbes said that the commission had made considerable progress with a digest of the testimony and that the report to be made by the commission on the matter under investigation. He requested that President James A. Kennedy of the Inter-Island be present at a meeting next Monday night to answer a few questions in regard to policy.

Growing the Witness.
Forbes also announced the taking of testimony would be concluded at the meeting next Monday, but Matthew Graham, auditor of the Inter-Island, who had just been loaded up with a new lot of lengthy questions to work out for Commissioner Forbes, said it would be out of the question for him to answer them by that time.

Graham supplied the answers last night to several technical and complicated questions that had previously been asked him by Forbes. They may have some actual connection with the subject under investigation, but taken by themselves they and their answers appear meaningless. These questions, and the additional interrogatories propounded by Forbes to be answered at a future meeting, all deal with the coal business of the Inter-Island.

DROWNING ACCIDENT PROBE CONTINUED

Commencing an investigation of a fatal accident of Keolu several weeks ago, the public utility commission yesterday continued its probe into the Inter-Island steamer Norea to testify regarding the death of Anahulu, a Porto Rican stevedore off that port. According to the report of the company, made to the commission, a shore boat was overturned in the breakers and the Porto Rican, who was unable to swim, disappeared, although the other occupants of the boat escaped.

Among the witnesses yesterday was Captain Carl Wichert of the Norea, John Kekuewa, shipping master, and the three sailors who were in the ill-fated boat. Their testimony ran parallel to the fact that one of the latter witnesses was a Marshall Islander and spoke neither English nor Hawaiian, the investigation was not finished. It will be taken up again at half-past one o'clock next Monday afternoon.

The investigation to be carried on by the commission will be that of a railroad accident occurring at Robinson's Crossing, this island, which has been hanging fire for some time.

CUT THROAT WITH A SAFETY RAZOR

John B. Kantaky, belonging to the First Infantry, stationed at Schofield Barracks, died yesterday at the department hospital, Fort Shafter, from wounds inflicted with a safety razor on Thursday, in an attempt to commit suicide by cutting his throat.

NINETY-YEAR OLD SHAFER CONFESSES

With One Bare Hand Slew Man Who Had Helped Oust Him From His Land

(Special to The Advertiser.)

LAHAINA, Maui, May 28.—The story of the end of a desperate battle in a remote gulch, checked to death a man seventy-two years old who had dispossessed him of his home, was told here yesterday when Sam Kanaui confessed to the murder of Nos Kana.

The tale is one of the weirdest and most astonishing in the police annals of Hawaii. Victor and victim in the struggle to the death were both beyond the three score and ten years when it is commonly allotted man to live. The victor was ninety years old. Yet, despite the fact that he had lived far beyond the age attained by most men, and the fact still more astonishing in view of the circumstances, that he had but one arm, he throttled the life out of the younger old man—and then buried the body with the body in it.

Shafter Came Early.
The body of Kana was found in the back of the house a week ago. The circumstances pointed to a crime having been committed and suspicion fell upon Kanaui, who was arrested by Sheriff Crowell. At first he asserted his innocence, but yesterday he broke down and confessed.

As he told the story, the crime was the vengeance of a desperate old man upon one who had gained possession of his home. The Olowalu Company brought suit in ejectment recently against Kanaui and Kana was a witness for the plantation. The sugar company won its suit and Kanaui was dispossessed of the home of his old age. A short time later Kana was placed in possession of it.

Revered Old Wrongs.
Kanaui brooded upon what he believed were the wrongs done him, and rage flamed in his aged heart. For thirty years he had lived in that home and now he was thrown out and was homeless. In fact, he stated in his confession, his family had been without even shelter for more than a month.

The nonagenarian went to the house and found Kana there. He attacked, with his unarmed one hand, the man who had taken his home. For half an hour the two old men fought. It was a struggle that could end only in death for Kanaui said he went there to kill or be killed. And he killed. At the end of the long struggle he got Kana by the throat and with his one hand choked him to death. Then he set fire to the house to conceal his crime.

Kanaui is in jail here, pending further action on the part of the authorities.

WHOLE BATTALION ON ANTHRAX GUARD

Fort Shafter has now a full battalion of duty in Honolulu helping in the fight against the spread of anthrax, which made its appearance among the animals of Mollilo. On Saturday Companies F and G, Second Infantry, commanded by Captain E. A. Lewis and B. H. Cook, were detailed for duty in that part of the city and today this guard was increased by the addition of the other two companies of the Second Battalion, E Company is under the command of Captain T. A. Baldwin and H. Company is commanded by Capt. C. E. Bennett.

By taking the prompt measures that were deemed necessary in the beginning for preventing the spread of the disease, and by maintaining a strict patrol of the section, it is believed that the spread of the malady has been checked.

No change was announced in the anthrax situation yesterday. There were no cases among the herd of the Territorial Dairy, which is accepted as a guarantee that the immunization has done its work and stopped the epidemic. The quarantine limits have not been reduced nor has the tabu been lifted on live stock leaving Oahu for other islands.

VAST AMERICAN ARMY TO HELP CRUSH HUNS

(Associated Press By U. S. Naval Communication Service)
LONDON, May 28.—One and a half million Americans will soon be in France, either in the trenches or behind the firing lines, according to official announcements made here today. This number, it is said, will include those already serving and those who will constitute new units.

TWO AUTOS AND STREET CAR IN GROUND MIX-UP

In a mix-up between two automobiles and a street car, on Alakea Street near Hotel Street, yesterday afternoon, automobile No. 36, owned by Joaquim G. da Silva, sustained slight damage.

Mrs. A. M. Hatch was starting the engine of automobile No. 3943, which was standing on Alakea Street, and close to which was da Silva's car. Street car No. 10 was coming down Alakea Street, the motorman sounding his bell as he came along.

Mrs. Hatch, without giving any signal of wanting to get ahead of the car, moved out into the street and the street car hit her machine and forced it against da Silva's car, damaging a fender. The damage was small.

WAIMEA CAVALRY TO BE DISAPPOINTED

Direct Instructions Come That No Militia Cavalry Is Wanted During the War

No cavalry is to be mobilized in the United States and none of the national guard cavalry units is to be called out for service in the war with Germany, according to information received at Hawaiian headquarters.

This means that the cavalry troop of the national guard on the island of Hawaii, which is voluntarily mobilized and drilling faithfully, will not be called out.

Major Lincoln, of department headquarters, stated yesterday that no information of any description has been received by the army authorities here as to what, if any, disposition is to be made of the national guard units, aside from the fact that the cavalry troop will not be called out. If Governor Pinkham has received any information from Washington concerning the guard, as his statement of Thursday would indicate, he is the only man who has, and nobody has yet been able to interpret the statement he issued.

The general belief, however, that the national guard of Hawaii is not to be called out, after all its long and arduous work of preparation, has caused profound depression in the guard. "Ah, what's the use?" is about the way some of them express their disgust.

FIRST FOOD CONTROL BILL PASSES HOUSE

(Associated Press By U. S. Naval Communication Service)
WASHINGTON, May 28.—The first of the several Food Control Bills introduced into congress as administration measures came to a vote in the House yesterday, passing second reading without roll call. This bill carries an appropriation of \$14,770,000 to cover the expenses of a survey of the resources of the country and to stimulate the production of foodstuffs.

The senate is now debating a similar measure, where it will probably pass on Wednesday.

HUN AIR FLEET HURLS BOMBS ON FOLKSTONE

(Associated Press By U. S. Naval Communication Service)
LONDON, England, May 28.—It is announced that the town of Folkstone suffered most heavily in the recent air raid and bombing by a German aeroplane fleet.

BEET SUGAR FACTORS EARN RICH DIVIDENDS

(Associated Press By U. S. Naval Communication Service)
WASHINGTON, May 28.—The report of the federal trade commission on beet sugar for the five years ending 1914, show that beet sugar manufacturers in that period earned eleven per cent on the capital invested.

FULL FRANCHISE FOR WOMEN OF KEY STATE

(Associated Press By U. S. Naval Communication Service)
HARRISBURG, Pennsylvania, May 28.—Women in Pennsylvania will be given the right to vote for President of the United States if Governor Brumbaugh succeeds in bringing the legislature to his way of thinking. The Governor sent a message to the legislature yesterday urging the passage of a joint resolution giving women the right to vote for head of the national government.

CONGRESS AGREES ON ESPIONAGE BILL FORM

(Associated Press By U. S. Naval Communication Service)
WASHINGTON, May 28.—The House and senate conference today reached a final and complete agreement on the troublesome parts of the espionage bill, including the provisions for newspaper censorship and an embargo on exports, search warrant and mail censorship.

DYNAMITE FACTORY BLOWS UP ON COAST

(Associated Press By U. S. Naval Communication Service)
SAN FRANCISCO, May 28.—Two persons are known to have been killed and a number injured when a nitroglycerin plant blew up yesterday at San Pablo. No details have been received as to the cause of the explosion.

HONOLULU STOCK EXCHANGE

Honolulu, May 28, 1917.

STOCK

MERCANTILE

Alexander & Baldwin	200	100	200
C. Brewer & Co.	100	100	100

SUGAR

Ewa Plantation Co.	12 1/2	12 1/2	12 1/2
Haleiwa Sugar Co.	12 1/2	12 1/2	12 1/2
Hawaiian Sugar Co.	12 1/2	12 1/2	12 1/2
Honolulu Sugar Co.	12 1/2	12 1/2	12 1/2
Kaunakakai Sugar Co.	12 1/2	12 1/2	12 1/2
Kilauea Sugar Co.	12 1/2	12 1/2	12 1/2
Kona Sugar Co.	12 1/2	12 1/2	12 1/2
Maui Sugar Co.	12 1/2	12 1/2	12 1/2
Molokai Sugar Co.	12 1/2	12 1/2	12 1/2
Oahu Sugar Co.	12 1/2	12 1/2	12 1/2
Pacific Sugar Co.	12 1/2	12 1/2	12 1/2
Puna Sugar Co.	12 1/2	12 1/2	12 1/2
Waialeale Sugar Co.	12 1/2	12 1/2	12 1/2